

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Beaudry
Serial No.: Unknown
Filed: 22 January 2004
For: A Method of Positioning the Epidermis

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT WITHIN
THREE MONTHS OF FILING OR BEFORE MAILING OF FIRST OFFICE ACTION
(37 CFR 1.97(b))

NOTE: "An information disclosure statement shall be considered by the Office if filed: (1) within three months of the filing date of a national application; (2) within three months of the date of entry of the national stage as set forth in S 1.491 in an international application; or (3) before the mailing date of a first Office action on the merits, whichever event occurs last." 37 CFR 1.97(b).

NOTE: The "filing date of a national application" under 37 CFR 1.97(b) has two possible meanings. Where the filing is a direct one to the United States Patent & Trademark Office, the filing is defined in 37 CFR 1.53(b) as "the date on which: (1) A specification containing a description pursuant to S 1.71 and at least one claim pursuant to S 1.75; and (2) any drawing required by S 1.81(a), are filed in the Patent and Trademark Office in the name of the actual inventor or inventors as required by S 1.41." 37 CFR 1.97(b)(1). On the other hand, an international application that enters the national stage occurs when the applicant has filed the documents and fees required by 35 U.S.C. S 371(c) within the periods set forth in S 1.494 or S 1.495. 35 U.S.C. S 371(c) requires the filing of the following: (1) the national fee; (2) a copy of the international application, unless already sent by the International Bureau, and an English translation if filed in another language; (3) amendments under PCT Article 19, with a translation into English if made in another language; (4) an oath or declaration; and (5) a translation into English of any annexes to the international preliminary examination report, if such annexes were made in another language. 37 CFR 1.97(b)(2).

IDENTIFICATION OF TIME OF FILING THE ACCOMPANYING INFORMATION
DISCLOSURE STATEMENT

The information disclosure statement submitted herewith is being filed WITHIN THREE MONTHS OF THE FILING DATE OF THE APPLICATION OR DATE OF ENTRY INTO THE NATIONAL STAGE OF AN INTERNATIONAL APPLICATION OR BEFORE THE MAILING DATE OF A FIRST OFFICE ACTION ON THE MERITS, WHICHEVER EVENT OCCURS LAST. 37 CFR 1.97(b).

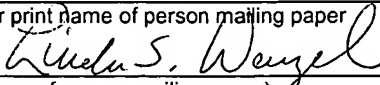
NOTE "NO CERTIFICATION OR FEE IS DUE WHEN THE FILING IS MADE WITHIN THE ABOVE TIME PERIOD. IT IS ADVISABLE TO ENSURE THAT NO OFFICE ACTION HAS BEEN MAILED IF THE DISCLOSURE STATEMENT IS DELAYED UNTIL AFTER THREE MONTHS FROM FILING.

NOTE: "An information disclosure statement will be considered to have been filed on the day it was received in the Office, or on an earlier date of a mailing if accompanied by a properly executed certificate of mailing under 37 CFR 1.8, or Express Mail certificate under 37 CFR 1.10. An Office action is mailed on the date indicated in the Office action." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

CERTIFICATE OF MAILING (37 CFR 1.8(a)) or (37 CFR 1.10)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United State Postal Service on the date shown below as Express Mail Label No. EV 317560170 in an envelope addressed as follows: Mail Stop Patent Application, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450

Date: 22 January 2004

Linda S. Wenzel
Type or print name of person mailing paper

(Signature of person mailing paper)

- NOTE: "The term 'national application' includes continuing applications (continuations, divisions, continuations-in-part) so three-months will be measured from the actual filing date of an application as opposed [sic] to the effective date of a continuing application." Notice of April 20, 1992 (1138 O.G. 37-41, 39).
- NOTE: "An action on the merits means an action which treats the patentability of the claims in an application, as opposed to only formal or procedural requirements. An action on the merits would, for example, contain a rejection or indication of allowability of a claim or claims rather than just a restriction requirements (37 CFR 1.142) or just a requirement for additional fees to have a claim considered (37 CFR 1.16(d)). Thus, if an application was filed on Jan. 1 and the first Office action on the merits was not mailed until six months later on July 1, the examiner would be required to consider any proper information disclosure statement filed prior to July 1." Notice of April 20, 1992 (1138 O.G. 37-41, 39).
- WARNING: "A PETITION FOR SUSPENSION OF ACTION TO ALLOW APPLICANT TIME TO SUBMIT AN INFORMATION DISCLOSURE STATEMENT WILL BE DENIED AS FAILING TO PRESENT GOOD AND SUFFICIENT REASONS, SINCE 37 CFR 1.97 PROVIDES ADEQUATE RECOURSE FOR THE TIMELY SUBMISSION OF PRIOR ART FOR CONSIDERATION BY THE EXAMINER." NOTICE OF JULY 6, 1992 (1141 O.G. 63).

The submission of any document herewith is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicant does not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima face* prior art reference against the claims of the present application.

COPIES OF THE DOCUMENTS LISTED ON THE ATTACHED FORM PTO-1449 CAN BE FOUND IN THE FILE WRAPPER OF PARENT APPLICATION SERIAL NO. 09/616,426 FILED 14 JULY 2000, AND ARE THEREFORE NOT INCLUDED WITH THIS SUBMISSION. THE ASTERISK (*) INDICATES THAT A COPY OF THE REFERENCE IS PROVIDED.

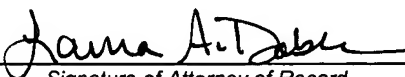
Should any fees be necessary in connection with this submission, please charge same to Account No. 06-2360.

Date 22 January 2004

Reg. No. 46,436

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Customer No. 26308



Signature of Attorney of Record
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LIST OF PRIOR ART CITED BY APPLICANT <i>(Use several sheets if necessary)</i>	ATTY DOCKET NO. 8115.12394A-PCT US DIV 1 DIV		SERIAL NO. Unknown
	APPLICANT Beaudry		
	FILING DATE 22 January 2004	GROUP Unknown	

Customer No. 26308

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	1	2,018,517	10/22/35	E. Fetter			
	2	4,120,304	10/17/78	Moor			
	3	4,213,452	7/22/80	Shippert			
	4	4,605,005	8/12/86	Sheehan			
	5	4,702,736	10/27/87	Kalt et al.			
	6	4,738,662	4/19/88	Kalt et al.			
	7	4,742,826	5/10/88	McLorg			
	8	4,823,789	4/25/89	Beisang, II			
	9	4,825,866	5/2/89	Pierce			
	10	4,838,878	6/13/89	Kalt et al.			
	11	4,919,654	4/24/90	Kalt			

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO

OTHER DOCUMENTS *(Including Author, Title, Date, Pertinent Pages, Etc.)*

EXAMINER	DATE CONSIDERED
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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	23	5,553,605	9/10/96	Muchin			
	24	5,611,333	3/18/97	Johnson			
	25	5,788,660	8/4/98	Resnik			
		5,234,462	8/10/93	Pavletic			
		5,843,025	12/1/98	Shaari			
		3,811,438	5/21/74	Economou			
		1,230,445	06/1917	Teed et al.			
		5,052,381	10/1991	Gilbert et al.			
		5,681,579	10/1997	Freeman			
		5,696,169	12/1997	Otsu et al.			
		5,820,578	10/1998	Johansen			

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
	26	EP 0 331 954 A1	8/13/89	Europe				✓
	27	WO 88/03788	6/2/88	PCT			✓	
	28	WO 92/22340	12/23/92	PCT			✓	
	29	WO 94/23675	10/27/94	PCT			✓	

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		1,435,853	14 Nov 22	Johnson			
		3,085,024	09 Apr 63	Blackford			
		4,221,215	09 Sept 80	Mandelbaum			
		4,979,946	25 Dec 90	Gilman			
		5,116,675	26 May 92	Nash-Morgan			
		5,456,660	10 Oct 95	Reich et al.			
		5,505,958	09 Apr 96	Bello et al.			
		3,426,751	2/11/69	M.G. Radewan			
		4,366,814 *	1/4/83	Riedel			

FOREIGN PATENT DOCUMENTS

	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation	
							YES	NO
		16 1433	30 Apr 33	Switzerland				
		438 583	30 Jun 67	Switzerland				
		4425554	18 Jan 96	Germany				
		928.389	26 Nov 47	France				
		1.203.376	18 Jan 60	France				

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

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	12	4,932,943	6/12/90	Nowak			
	13	4,966,590	10/30/90	Kalt			
	14	4,986,815	1/22/91	Schneider			
	15	5,022,389	6/11/91	Brennan			
	16	5,156,641	10/20/92	White			
	17	5,172,688	12/22/92	Dillon			
	18	5,336,219	8/9/94	Krantz			
	19	5,476,091	12/19/95	Johnson			
	20	5,534,010	7/9/96	Peterson			
	21	5,546,929	8/20/96	Muchin			
	22	5,549,103	8/27/96	Johnson			

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
		NO 308,767	10/2000	Norway				
		WO 96/01093	01/1996	PCT				
		WO 97/22314	06/1997	PCT				

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	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
	615,861	12 Jan 49	Great Britain				
	619,165	04 Mar 49	Great Britain				
	1,142,148	05 Feb 69	Great Britain				
	1,449,790	15 Sept 76	Great Britain				

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